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Michael H. Capon
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Austin, TX 78728

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JUL 17 2001

In re Application of
Capon and Marshall
Application No. 09/741,115
Filed: December 19, 2000
Attorney Docket No.062891.0439
For: METHOD AND APPARATUS FOR
PROVIDING VARIABLE ATTENUATION
TO DATA SIGNALS IN AN XDSL
FREQUENCY RANGE

LETTER

**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Capon:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina T. Tartera

Christina T. Tartera
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
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Paper No. 5

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**OFFICE OF PETITIONS
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DECISION ACCORDING
STATUS UNDER
37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a),
filed April 11, 2001.

The petition is granted.

Petitioner has shown that the non-signing inventor has
refused to join in the filing of the above-identified
application after having been presented with the application
papers. Specifically, the declaration of facts of Barton E.
Showalter establishes that the inventor was mailed the
application papers, including the specification, claims and
drawings, but failed to respond to the request that he sign
the declaration.

The above-identified application and papers have been
reviewed and found in compliance with 37 CFR 1.47(a). This
application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice
of this application's filing to the non-signing inventors at
the addresses given in the present petition. Notice of the
filing of this application will also be published in the
Official Gazette.

The application file is being forwarded to Office of Initial
Patent Examination for further processing.

Telephone inquiries regarding this decision should be
directed to the undersigned at (703) 306-5589.

Christina T. Tartera

Christina T. Tartera
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy